

Don N.

PROVO RIVER DISTRIBUTION SYSTEM

Minutes of Annual Meeting of Board of Directors with State Engineer

January 14, 1965

Pursuant to notice from the office of the State Engineer and to a call by the Chairman, the Board of Directors of the Provo Distribution System convened at 1 p.m. in Room 200 of the Utah County Court House in Provo, Utah.

Chairman Niels Andersen presided.

On roll call the following were present:

J. Edwin Ure	Group 1 - Kamas Valley, Canals Group
Sherman A. Giles	" 2 - Upper Provo, East Heber Valley
Floyd Bonner	" 3 - Upper Provo, West Heber Valley
Glenn A. Wright	" 4 - Provo City Canals
Stanley Roberts	" 5 - East Provo Canals
Niels Andersen	" 6 - Provo Bench Canals
Elmer A. Seal	" 7 - Provo Reservoir Water Users Co.
Hampton C. Godbe	" 8 - Provo River Water Users Assn.
Ernest Knight	" 9 - Upper Provo Individual Rights

Present from the State Engineer's office were:

Donald C. Norseth, representing State Engineer Wayne D. Criddle; Earl Staker, Distribution Engineer; Frank Reese, Business Manager, and Richard Pexton, Accountant.

Also present were W. S. Brimhall, Provo City Water Commissioner; Henry Stewart, Provo City Water Department; D. D. Bushnell, 188 East Center St., Provo; Alma Huber, Midway Irrigation Company; Wallace R. Wayman, Provo River Commissioner, and I. F. Baum, Deputy Commissioner.

Mr. Norseth opened the meeting by expressing appreciation of the State Engineer's office for the Board's cooperation in the past year, and briefly reviewed the 1965 water outlook, after which he suggested that Chairman Andersen take charge of the proceedings.

At request of the Chairman, Secretary Godbe read the minutes of January 9, 1964, meeting of the Board with the State Engineer representatives. Inquiry was made if the Engineer representatives now present had corrections to offer. There being none, Director Wright moved that the minutes be adopted. The motion was seconded by Director Giles, and adopted with all present voting aye.

FINANCIAL REPORT ON 1964 OPERATIONS

Mr. Reese then took the floor to give his financial report on 1964 operations. He offered the following statement of financial balances, receipts and expenditures:

1. Pay ike up to
end of Sept 30, 1964
2. Sherman Giles
as Deputy Comm.
3. Salary at \$50.00

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A. Balance of funds on hand:

1. Beginning of year	\$ 8,303.23	
2. End of year	<u>8,198.79</u>	
3. Change during year		-\$104.44

B. Receipts and expenditures

1. Receipts

(a) Regular assessments	\$ 13,727.60
(b) Special collections	<u>108.70</u>
(c) Total	\$ 13,836.30

2. Expenditures (see attached) \$ 13,940.74

C. Difference between receipts and expenditures -\$104.44

Thereafter Mr. Reese presented and read the following statement of expenditures for 1964:

1964 Budget Item No.	Description of Budget Item	Amount Approved for 1964	Total 1964 Expenditures
1.	Commissioner's Salary	\$ 6,000.00	\$ 6,000.00
1-B	River System Matching Soc. Sec.	174.00	174.00
1-F	River System Matching State Retirement	240.00	240.00
2.	Deputy Commissioner's Salary	4,500.00	4,500.00
2-B	River System Matching Soc. Sec.	163.16	163.11
2-F	River System Matching State Retirement	180.00	180.00
3.	Office Rent	180.00	180.00
4.	Travel Expense @ \$.09/mile	1,800.00	1,469.79
5.	Field Equipment & Supplies	50.00	30.07
6.	Office Equipment & Supplies	150.00	64.01
7.	Commissioner's Annual Report (1963)	125.00	123.91
8.	Telephone Expense	225.00	184.05
9.	Committee Expense and Allowances	500.00	314.78

(Cont'd)
1964

Budget Item No.	Description of Budget Item	Amount Approved for 1964	Total 1964 Expenditures
10.	Descri and Insurance Premiums	100.00	86.37
11.	Miscellaneous Expense	50.00	30.65
12.	Contractual Services (S. Giles)	200.00	200.00
TOTAL 1964 BUDGET		\$ 14,637.16	\$ 13,940.74
1964 ASSESSMENT		13,700.00	

DELINQUENT ACCOUNTS:

Mr. Reese then read the list of delinquent accounts, totalling \$475.34 for the year. It was observed that each year there are always a few delinquents, but that the current total was not excessive, being only about 3% of the budget. It was brought out also that one of the larger accounts had been misaddressed, while collection of another large item would be readily made, leaving only 23 small sums unpaid. After several corrections of addresses and names, a general discussion was invited.

Mr. Norseth said that prompt payment should be urged of all users, even if they must make loans to enable payment, in view of the 10% penalty charge on delinquent accounts. He observed also that it is impractical each year to take court action on accounts delinquent only by a dollar or two, it being the policy to wait a few years and then take group action for collection.

Director Roberts observed that the Provo River Decree provides for cutting off water deliveries to delinquents, but Mr. Norseth said that the sums usually are so small that such action would be too severe, since eventually the delinquents are compelled to pay through court action. Mr. Seal, speaking for the Provo Reservoir Water Users Company, said this company also follows a policy of moderation before taking the more drastic action of stopping water deliveries.

IBM MACHINE BILLING SYSTEM

Mr. Reese reported that it will take several more months to complete installation of the automated billing system for all water user systems. He noted also that he, Mr. Criddle and Mr. Norseth had been working some 20 months with IBM engineers to enable the installation, which is estimated to save about \$25,000 a year when it goes into operation.

BUDGET AND ASSESSMENT FOR 1965

Chairman Andersen reported that at its meeting January 13, 1965, the Board had adopted the same budget as for 1964, regarding

routine items, but that three items had not been specifically budgeted, partly because probable costs were not known, and partly because it was the Board's desire that the costs, when incurred and known, should be paid from the Reserve fund. These include the cost of repairing the ~~rating~~ weir at Midway; ~~purchase~~ for \$225 of a U.S.G.S. recorder to be installed at Vivian Park, and ~~repair~~ of the South Fork measuring installation. He said it is expected that all costs will be moderate.

COMMISSIONER'S REPORT

Commissioner Wayman then gave orally a summation of his annual report, being substantially the same as that recorded in the minutes of Jan. 13, 1965.

In the ensuing discussion it was brought out that a few users in Mr. Baum's district had not yet completed installation of gates and weirs, required under the expanded diversion measurement policy, but that most have complied. As to the Riverside Country Club, Mr. Norseth reported that the club's rights have been established satisfactorily, and that work is under way now to make them of record.

Mr. Reese said that through the efforts of Mr. Wayman, several problems of rights ownership had been solved, with the result that assessment collections have increased, particularly as to the former Caleb Tanner right.

After further discussion, Vice Chairman Bonner moved that the Commissioner's report be accepted. The motion was seconded by Director Ure and adopted with all present voting aye.

BUDGET AND ASSESSMENTS; NEW ITEMS ADDED

The misunderstanding over purchase and installation of the Vivian Park recorder then was discussed, and, since the cost of the recorder was firm at \$225, and to avoid possible future misunderstanding, Director Godbe moved adoption of the following resolution:

(56) Resolved, that the Budget for 1965, as adopted by the Board at its January 13, 1965 meeting, be amended to add \$225 for purchase of the Vivian Park recorder from the U. S. Geological Survey.

The motion was seconded by Director Seal, and carried with all present voting aye.

Commissioner Wayman then requested the Board to increase its automobile mileage expense allowance from 9¢ to 10¢ op mile. After discussion, and it being apparent the Board was in full agreement, Director Godbe moved adoption of the following resolution:

(57) Resolved, that effective January 1, 1965, travel on River System business shall be reimbursed at the rate of 10¢ per mile.

The motion was seconded by Director Wright and adopted with all present voting aye, and Mr. Reese was requested to amend the 1965 budget accordingly.

To further clarify the Board's position in regard to the budget and non-budgeted items which it expects to have paid from reserve funds, as noted in these minutes and those of January 13, 1965, the Secretary reported that the Board is fully cognizant that the sum of budgeted and non-budgeted items exceeds the \$13,700 recommended for the 1965 assessment ; that the system actually will not be operating "in the red", however, because it is the Board's intention that the reserve be depleted, the present amount thereof being considered greater than required for an efficient operation. He explained also that the reason for not budgeting the South Fork and Midway rating weir repair work was because of uncertainty over the eventual costs, although it was expected that in each instance the costs would be relatively low.

COMMISSIONER AND DEPUTY NOMINATIONS

Chairman Andersen reported that, by formal and unanimous vote, the Board has nominated Mr. Wayman, Mr. Baum, and Mr. Giles, for reappointment as Commissioner, Deputy Commissioner, and contract-trainee, respectively, all on the same basis and at the same salaries as in 1965.

Mr. Norseth said he was confident that the State Engineer would effect the reappointments accordingly.

WATER EXCHANGES

Misunderstandings apparently having arisen among users in regard to water exchanges involving privately owned canals, Commissioner Wayman asked the record to show that he cannot honor such applications unless specifically authorized by the State Engineer. Mr. Norseth said the reason for this is that, even though applications have been filed, the State Engineer cannot honor them in the absence of specific authority from the respective canal companies, for withdrawal of canal water in satisfaction of such exchanges.

SUMMARY STATEMENT BY MR. NORSETH

With major business of the meeting completed, Mr. Norseth, on behalf of the State Engineer, complimented the Board on its supervision of the Provo River system. This system, he said, now is one of the most efficiently operated systems in the State, and is functioning so smoothly that the State Engineer's office sees no need whatever for any further adjudication. The Board's financial policies have proved sound, its reserve funds ample, and its budgets have worked out well, Mr. Norseth said. He complimented the Secretary on the thoroughness and accuracy of the minutes and the promptness of their preparation, stating that such records greatly help the State Engineer's office, in its part in System operations.

Mr. Norseth also reported that his office currently is engaged in bringing Provo River Decree records up to date, showing current record owners of rights and their present addresses. He reported also that the Board should know that Mr. Wayman has done much extra work, the nature of which does not appear in his annual reports, and that he is now engaged in compiling a record of diversion points along the river, for inclusion in a later annual report. This record will be of great value in the future, he said.

DILIGENCE RIGHTS: Discussion

In response to a question concerning recognition of diligence rights, Mr. Norseth said that each case must be dealt with on its merits, since diligence rights are not covered by the Provo River Decree; that it is the policy of his office to carefully investigate each such claim, and to approve it if found satisfactory, but that the ultimate burden of proof must still reside in the claimant, in event of challenge.

Director Godbe added that diligence rights are also defined as unrecorded rights acquired prior to enactment in 1903 of legislation requiring the filing of applications for the appropriation of water; that 10 or 15 years ago, legislation was enacted requiring claimants of such rights to file notices thereof with the State Engineer, and, if approved, such notices then would be prima facie evidence of validity, so that the burden of proof still remains with the owner of the right; and that some lawyers hold that the legislation is permissive, not mandatory, on the theory of ex post facto legislation, with the total result that the validity of such rights may always be subject to question, in the absence of a court decree confirming them.

ALTA DITCH-BLUE CLIFF DITCH REPORT

At request of the Chairman, Director Roberts called attention of the State Engineer representatives to the Alta Ditch-Blue Cliff Ditch situation, covering the data as set forth in the Minutes of January 13, 1965.

On completion of the explanation, Mr. Norseth expressed thanks to Director Roberts for calling attention to the matter, asking if he would be willing to prepare a sketch of the ditch and spring relative locations and send it to his office with a letter including pertinent details, in order that proper inquiry may be made. Director Roberts indicated that he would be glad to comply.

MIDWAY IRRIGATION COMPANY: DIVERSION PROBLEM

At request of the Chairman, Mr. Huber then reported the diversion problems of the Midway Irrigation Company, substantially as set forth in the minutes of January 13, 1965. On conclusion of the presentation, Mr. Norseth expressed the opinion that the company should determine what agency has responsibility for the condition, with subsequent action to be followed up accordingly by company officers.

PROVO RIVER TRANSMISSION LOSSES

Director Roberts raised the question of increasing the percentage ratio of transmission losses on Provo River water below Deer Creek dam, on the basis of findings reported in 1963 by Commissioner Wayman; he also cited a period of several days in 1961 when loss ratios were shown to be considerably higher than the presently used ratio of 4%, and asked why higher losses were not being charged.

Deputy Commissioner Baum said the 1961 situation noted by Mr. Roberts was not typical; that when storage water being carried by the river is shut off, and then is re-ordered, several days are required to bring the river back to its former equilibrium; that as a result, the percentage loss ratio appears to be excessive as a matter of record, but that there is no help for it.

Director Godbe observed that it is impossible to measure the river and diversions or tributary inflow with pin-point accuracy; that in reading recorders, the commissioner and his deputies are learning of what happened since their last readings, hence can only correct inaccurate deliveries within relatively narrow limits. For these reasons, he said, data in the Commissioner's reports must be viewed broadly.

As to transmission losses, Director Godbe noted that Mr. Wayman's findings and the Board's position thereon had been fully resolved, in substantiation of which he read the actions and discussions as reported on page 4 of the minutes of January 9, 1963, wherein the Board felt that required data for loss determinations was inadequate, and that it would be unwise to re-open court action for a revision of the 4% loss ratio, which has been accepted without complaint by most users, for many years. He stated also that early-day engineering studies, prior to issue of the Provo River Decree in 1921 and when the river was relatively free of the complications posed by the addition of large amounts of storage water, and the importing of foreign water, showed convincingly that the Provo is substantially a gaining river, rather than a losing one, and that with storage and imported water now heavily added, it was probable that losses have been reduced, rather than enlarged.

The loss problem having been previously resolved by the Board, further discussion ended.

ADJOURNMENT

Chairman Andersen then expressed the Board's appreciation for the cooperation it has received from the State Engineer's office, and said also that he thought it was beneficial to have a thorough discussion of issues brought up by those attending the Board's meeting. Then, there being no further business, the Board adjourned subject to call by the Chairman. The time was 3:35 p.m.


Hampton C. Godbe, Secretary